



BILLING CODE 4810-70-P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Funds Availability (NOFA) Inviting Applications for the Community Development Financial Institutions the Native American CDFI Assistance (NACA) Program FY 2012 Funding Round (the FY 2012 Funding Round)

ANNOUNCEMENT TYPE: Announcement of funding opportunity.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER: 21.020

DATES: Applications for Financial Assistance (FA) awards or Technical Assistance (TA) grants through the FY 2012 Funding Round of the NACA Program must be received by 11:59 p.m., Eastern Time (ET), January 18, 2012.

EXECUTIVE SUMMARY: Subject to funding availability, this NOFA is issued in connection with the FY 2012 Funding Round of the NACA Program, administered by the Community Development Financial Institutions (CDFI) Fund.

#### I. FUNDING OPPORTUNITY DESCRIPTION:

A. Award Requirements: Through the NACA program, the CDFI Fund provides FA awards and TA grants. FA awards are made to certified Native CDFIs and certifiable Native CDFIs that complete and submit a NACA Application (Application) and meet the requirements set forth in this NOFA, subject to funding availability. In FY 2012, subject to the availability of funding, the CDFI Fund will also make FA awards under the Healthy Food Financing Initiative (HFFI-FA) to certified CDFIs that meet the requirements set forth in this NOFA. TA grants are made to

certified Native CDFIs, certifiable Native CDFIs, emerging Native CDFIs, and Sponsoring Entities that complete and submit the Application and meet the requirements set forth in this NOFA.

B. Program Regulations: The regulations governing the NACA program are found at 12 CFR Parts 1805 and 1815 (the Regulations) and provide guidance on evaluation criteria and other requirements. Details regarding the application content requirements are found in the Application and related materials. Each capitalized term in this NOFA is more fully defined in this NOFA, the Regulations, or the Application, and the CDFI Fund encourages Applicants to review the Regulations in addition to this NOFA.

C. The CDFI Fund reserves the right to fund, in whole or in part, any, all, or none of the applications submitted in response to this NOFA. The CDFI Fund reserves the right to reallocate funds from the amount that is anticipated to be available under this NOFA to other CDFI Fund programs, particularly if the CDFI Fund determines that the number of awards made under this NOFA is fewer than projected. In addition, the CDFI Fund invites applications that propose innovative Financial Products and Financial Services to address the current difficult economic conditions of our nation.

D. Coordination with Broader Community Development Strategies: Consistent with Federal efforts to promote community revitalization, it is important for communities to develop a comprehensive neighborhood revitalization strategy that addresses neighborhood assets that are essential to transforming distressed neighborhoods into healthy and vibrant communities of opportunity. Furthermore, only through the development of comprehensive neighborhood revitalization plans that embrace the coordinated use of programs and resources in order to effectively address the interrelated needs within a community will the broader vision of

neighborhood transformation occur. Although not a requirement for participating in the NACA Program, the Federal government believes that a CDFI will be most successful when it is part of, and contributing to, an area's broader neighborhood revitalization strategy.

## II. AWARD INFORMATION

### A. Funding Availability:

1. FY 2012 Funding Round: Subject to funding availability, the CDFI Fund expects to award, through this NOFA, approximately \$12 million in NACA awards for FA and TA Applicants and In addition, through this NOFA and the CDFI Program NOFA, the CDFI Fund expects to award approximately \$25 million total in FA awards to HFFI Applicants under the CDFI and NACA Programs. The CDFI Fund reserves the right to award more or less than the amounts cited above in the FY 2012 Funding Round, based upon available funding and other appropriate factors.

2. Availability of Funds for the FY 2012 Funding Round: Funds for the FY 2012 Funding Round have not yet been appropriated. If funds are not appropriated for the NACA program, there will not be a NACA FY 2012 Funding Round. If funds are appropriated, the amount of such funds may be greater or less than the amounts set forth above.

B. Types of Awards: An Applicant may submit an application for a TA award or an FA award, which includes NACA Program FA and HFFI-FA

#### 1. FA Awards:

FA awards provide flexible financial support to CDFIs so they may achieve the strategies outlined in their Comprehensive Business Plans. FA awards can be used in the following six categories: (i) Financial Products; (ii) Financial Services; (iii) Development Services; (iv) Loan Loss Reserves; (v) Capital Reserves; and/or (vi) Operations. For purposes of this NOFA, the six categories mean:

Table 1: Six categories of FA	
(i) Financial Products	Loans, grants, equity investments, and similar financing activities, including the purchase of loans that the Applicant originates and the provision of loan guarantees, in the Applicant's Target Market, or for related purposes that the CDFI Fund deems appropriate (including administrative funds used to carry out Financial Products).
(ii) Financial Services	Checking and savings accounts, certified checks, automated teller machines services, deposit taking, remittances, safe deposit box services, and other similar services (including administrative funds used to carry out Financial Services).
(iii) Development Services	Activities that promote community development and help the Applicant provide its Financial Products and Financial Services, including financial or credit counseling, housing and homeownership counseling (pre- and post-), self-employment technical assistance, entrepreneurship training, and financial management skill-building (including administrative funds used to carry out Development Services).
(iv) Loan Loss Reserves	Funds set aside in the form of cash reserves, or through accounting-based accrual reserves, to cover losses on loans, accounts, and notes receivable made in the Target Market, or for related purposes that the CDFI Fund deems appropriate (including administrative funds used to carry out Loan Loss Reserves).
(v) Capital Reserves	Funds set aside as reserves to support the Applicant's ability to leverage other capital, for such purposes as increasing its net assets or serving the financing needs of its Target Market, or for related purposes that the CDFI Fund deems appropriate (including administrative funds used to carry out Capital Reserves).
(vi) Operations	Funds used to carry out the Comprehensive Business Plan, and/or for related purposes the CDFI Fund deems appropriate, that are not used to carry out or administer any of the foregoing eligible FA uses.

The CDFI Fund may provide FA awards in the form of equity investments (including secondary capital in the case of certain Insured Credit Unions), grants, loans, deposits, credit union shares, or any combination thereof. The CDFI Fund reserves the right, in its sole discretion, to provide an FA award in a form and amount other than that which the Applicant requests; however, the award amount will not exceed the Applicant's award request as stated in its application. FA awards must be used to support the Applicant's activities; FA awards cannot be used to support

the activities of, or otherwise be passed through, transferred, or co-awarded to, third-party entities, whether Affiliates, Subsidiaries, or others. This includes certified CDFI bank holding companies that intend to transfer FA awards to their banks. Such transfers are not permitted. The entity that is to carry out the responsibilities of the award and deploy the award funds must be the entity that applies for the award.

## 2. Healthy Food Financing Initiative (HFFI) and HFFI-FA awards:

(i) Overview. The United States Department of Agriculture (USDA), Health and Human Services (HHS), and the United States Department of Treasury are working together to support projects that increase access to healthy, affordable food in low-income neighborhoods that lack access to healthy food options. As part of a coordinated effort called the Healthy Food Financing Initiative (HFFI), these three departments will aim to expand the availability of nutritious food through the establishment of healthy food retail outlets, including developing and equipping grocery stores, small retailers, corner stores, and farmers markets to help revitalize neighborhoods that currently lack these options.

In addition to the CDFI and NACA Programs, the HFFI includes: (i) the New Markets Tax Credit (NMTC) Program, also administered by the CDFI Fund; (ii) the Community and Economic Development (CED) Program, which HHS administers; and (iii) several programs that USDA administers including, among others, the Business and Industry (B&I) Program and the Intermediary Relending Program (IRP). Each of these programs provides a unique mechanism to support initiatives aimed at increasing access to healthy food. When these programs are combined, public dollars can act far more effectively as a market catalyst by providing the full range of financing to local actors – a key step to addressing the problem of limited access to affordable and nutritious food. Instead of approaching this problem through separate agency and

program silos, the HFFI will use a collaborative approach involving the resources of all three agencies.

For more information about this initiative, please visit the HFFI website at [www.usda.gov/fooddeserts](http://www.usda.gov/fooddeserts).

(ii) HFFI-FA Awards. In FY 2012, subject to appropriations, the CDFI Fund may award up to \$25 million of HFFI-FA awards through the CDFI and NACA Programs. The CDFI Fund expects to make HFFI-FA awards of up to \$3.5 million to certified CDFIs that submit and complete the CDFI /NACA Program Application and the HFFI-FA Supplemental Questionnaire. The HFFI-FA Supplemental Questionnaire will only be sent to those applicants indicating in their FY 2012 application that they intend to apply for an HFFI-FA award. The CDFI Fund reserves the right to make awards less than or greater than \$3.5 million based upon the questionnaires received and the funds available. The FY 2012 HFFI-FA supplemental questionnaire will not likely be finalized and made available to prospective applicants until after the FY 2012 CDFI Program Application deadline. However, a copy of the FY 2011 HFFI-FA supplemental questionnaire is available for review on the CDFI Fund's website at [www.cdfifund.gov](http://www.cdfifund.gov).

HFFI-FA awards will be provided as a supplement to FA awards; therefore only those applicants that have been selected to receive an FA award under the FY 2012 CDFI or NACA Funding Round will be eligible to receive an HFFI-FA award. Such applicants will be rated and scored separately based upon the HFFI-FA supplemental questionnaire responses. HFFI-FA Applicants will be rated, among other elements, on the extent of community need, the quality of their HFFI-FA strategy, and their capacity to execute that strategy. The CDFI Fund will collaborate with the other Federal agencies involved in the HFFI prior to making final award selections. The CDFI

Fund may, at its discretion, perform additional due diligence on Applicants for this initiative.

HFFI-FA awards must be used to support the Applicant's activities; the awards cannot be used to support the activities of, or otherwise be passed through, transferred, or co-awarded to, third-party entities, whether Affiliates, Subsidiaries, or others. This includes the transfer of an award from a Bank Holding Company to a Bank subsidiary.

3. TA Grants:

(a) The CDFI Fund provides NACA TA as a grant and reserves the right, in its sole discretion, to provide a grant for uses and amounts other than that which the Applicant requests; however, the grant amount will not exceed the Applicant's request as stated in its application and the applicable budget chart.

(b) For purposes of this NOFA, TA eligible uses are: (i) personnel/salary; (ii) personnel/fringe; (iii) professional services; (iv) travel; (v) training; (vi) equipment; (vii) materials/supplies; and (viii) other costs. (Please see the Application for details on TA uses.) TA grants must be used to support the Applicant's capacity building activities. TA grants cannot be used to support the activities of, or otherwise be passed through, transferred, or co-awarded to, third-party entities, whether Affiliates, Subsidiaries, or others. This includes the transfer of an award from a Bank Holding Company to a Bank subsidiary.

C. Assistance Agreement: Each Awardee under this NOFA must sign an Assistance Agreement before the CDFI Fund will disburse an award or grant. The Assistance Agreement contains the Award's terms and conditions. For further information, see Section VI.A of this NOFA.

III. ELIGIBILITY INFORMATION:

A. Eligible Applicants: The Regulations specify the eligibility requirements each Applicant must meet in order to be eligible to apply for assistance under this NOFA. NACA Applicants

may apply as either an FA applicant or a TA applicant, but not both. If an Applicant applies for both types of awards, it is in the sole discretion of the CDFI Fund to disqualify the Applicant from competing for either an FA award or a TA grant or to decide to give the Applicant either an FA award or a TA grant.

1. FA Applicant Categories: All FA Applicants must meet the criteria listed in Table 2.

Table 2 - NACA Applicant Criteria		
Applicant Type	Criteria of Applicant	Maximum Award
FA	A Certified / Certifiable Native CDFI that meets all other eligibility requirements described in this NOFA	Up to and including \$750,000 in FA funds and up to and including \$3.5 million in FA funds under the HFFI-FA .
TA	A Certified Native CDFI, a Certifiable Native CDFI, an Emerging Native CDFI, or a Sponsoring Entity	Up to \$150,000 for capacity-building activities

2. CDFI Certification Requirements: For purposes of this NOFA, eligible FA Applicants include Certified Native CDFIs and Certifiable Native CDFIs; eligible TA Applicants include Certified Native CDFIs, Certifiable Native CDFIs, Emerging CDFIs, and Sponsoring Entities under the NACA Program, defined as follows:

Table 3 - Native CDFI Certification Requirements and Definitions

<u>Requirement/Definition</u>	<u>Description</u>
a) <u>Certified Native CDFI</u>	An entity the CDFI Fund has officially notified that it meets all CDFI certification requirements as of this NOFA's publication date. CDFIs that have received official notification from the CDFI Fund that their certification has expired or been terminated are not eligible to apply as Certified. If the CDFI Fund has provided certified CDFIs with written notification that their certifications had been extended, the CDFI Fund will consider the extended certification dates to determine whether those certified CDFIs meet this eligibility requirement.



<u>b) Certifiable Native CDFI</u>	An entity that has submitted an application to the CDFI Fund demonstrating it meets the CDFI certification requirements but the CDFI Fund has not yet officially certified the entity. If the CDFI Fund is unable to certify an Applicant and the Applicant is selected for an FA award, the CDFI Fund may, in its sole discretion, terminate the award commitment. The CDFI Fund will not enter into an Assistance Agreement or disburse FA award funds unless and until an Applicant is Certified. The CDFI Certification application can be found on the CDFI Fund's website at <a href="http://www.cdfifund.gov">www.cdfifund.gov</a> . Certifiable Applicants must have submitted a certification application as of the date indicated in Section IV.F of this NOFA to be eligible for FA in the FY 2012 round.
<u>c) Emerging Native CDFI</u>	An entity that demonstrates to the CDFI Fund it has an acceptable plan to become Certified by December 31, 2013, or another date selected by the CDFI Fund. Emerging CDFIs may only apply for TA grants; they are not eligible to apply for FA awards. Each Emerging CDFI selected to receive a TA grant will be required, pursuant to its Assistance Agreement with the CDFI Fund, to become certified as a CDFI by a specified date.
<u>d) Sponsoring Entities</u>	An entity that proposes to create a separate legal entity that will become a certified Native CDFI. Sponsoring Entities include: (a) a Tribe, Tribal entity, Alaska Native Village, Village Corporation, Regional Corporation, Non-Profit Regional Corporation/Association, or Inter-Tribal or Inter-Village organization; or (b) an organization whose primary mission is to serve a Native Community including, but not limited to, an Urban Indian Center, Tribally Controlled Community College, community development corporation (CDC), training or education organization, or Chamber of Commerce, and that primarily serves a Native Community (meaning, at least 50 percent of its activities are directed toward the Native Community). Sponsoring Entities may only apply for TA grants; they are not eligible to apply for FA awards. Sponsoring entities that are selected to receive a TA grant will be required, pursuant to their Assistance Agreements with the CDFI Fund, to create a legal entity by a certain date that will, in turn, seek Native CDFI certification and to transfer remaining award funds to that Native CDFI upon certification.
<u>e) Material Events Form</u>	Certified applicants must submit a certification of Material Events form if they have experienced a material event. A "material event" is an occurrence that affects an organization's strategic direction, mission, or business operation and, thereby, its status as a Certified CDFI and/or its compliance with the terms and conditions of an Assistance Agreement. Please see Section IV in this NOFA for deadlines to submit material events forms. The material events form can be found on the CDFI Fund's website at <a href="http://www.cdfifund.gov">www.cdfifund.gov</a> .

<p><u>f) Other Targeted Populations as Target Markets</u></p>	<p>Other Targeted Populations are defined as identifiable groups of individuals in the Applicant's service area for which there exists strong evidence that they lack access to loans, equity investments, and/or Financial Services. The CDFI Fund has determined there is strong evidence that the following groups of individuals lack access to such products and services on a national level or within their recognized ancestral areas: (i) Native Americans or American Indians, including Alaska Natives living in Alaska; (ii) Blacks or African Americans; (iii) Hispanics or Latinos; (iv) Native Hawaiians living in Hawaii; and (v) other Pacific Islanders living in other Pacific Islands.</p> <p>An Applicant designating any of the above-cited Other Targeted Populations is not required to provide additional narrative explaining their lack of access to loans, equity investments, or Financial Services. To define these populations for the purposes of this NOFA, the CDFI Fund is using the following definitions, set forth in the Office of Management and Budget (OMB) Notice, Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity (October 30, 1997), as amended and supplemented:</p> <p>(a) American Indian, Native American, or Alaska Native: a person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment;</p> <p>(b) Black or African American: a person having origins in any of the black racial groups of Africa (terms such as Haitian or Negro can be used in addition to Black or African American);</p> <p>(c) Hispanic or Latino: a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race (the term Spanish origin can be used in addition to Hispanic or Latino);</p> <p>(d) Native Hawaiian: a person having origins in any of the original peoples of Hawaii; and</p> <p>(e) Other Pacific Islander: a person having origins in any of the original peoples of Guam, Samoa or other Pacific Islands.</p>

4. Limitation on Awards: An Applicant may receive only one award under this FY 2012

NOFA. An Applicant may receive only one award through the FY 2012 CDFI Program Funding Round or the FY 2012 NACA Program Funding Round.

B. Prior Awardees: For purposes of this section, the CDFI Fund will consider an Affiliate to be any entity that meets the definition of Affiliate in the Regulations or any entity otherwise identified as an Affiliate by the Applicant in its funding application and/or its myCDFIFund account.

Prior awardees should note the following:

\$5 Million Funding Cap: Congress waived the \$5 million funding cap (i.e., the prohibition that an applicant and its Affiliates cannot collectively receive more than \$5 million in NACA Program awards over a three year period) for each of the FY 2009, FY 2010 and the FY 2011 funding rounds, and it is possible that the \$5 million funding cap may be waived for the FY 2012 Funding Round. However, as of this NOFA's publication date such a waiver has not been enacted into law. Accordingly, the CDFI Fund is currently prohibited from obligating more than

1. \$5 million in assistance, in the aggregate, to any one organization and its Subsidiaries and Affiliates during any three-year period. In general, the three-year period calculated for the cap extends back three years from the Effective Date of the Assistance Agreement between the Awardee and the CDFI Fund. However, for purposes of this NOFA, because the funding cap was waived for 2009, 2010, and 2011, the CDFI Fund will only include assistance in the cap that will be provided to an Applicant (or its Subsidiaries or Affiliates) in the FY 2012 Funding Round. This means if a waiver of the funding cap is not enacted, Applicants and their Subsidiaries and Affiliates will be limited to a maximum award of \$5 million in FA, HFFI-FA, and TA funds in FY 2012. The CDFI Fund will assess the \$5 million funding cap applicability during the award selection phase if a Congressional waiver has not been enacted by that time.

Please see the following table for other Prior Awardee Requirements and Considerations:

Table 4 - Prior Awardee Requirements and Considerations	
Prior Awardee Situation	Requirements and Considerations
<u>Failure to Meet Reporting Requirements</u>	The CDFI Fund will not consider an application if the Applicant or its Affiliate is a prior Awardee/Allocatee under any CDFI Fund program and is not current on the reporting requirements set forth in a previously executed assistance, allocation, or award agreement(s), as of this NOFA's application deadline. The CDFI Fund only acknowledges receipt of reports that are complete; incomplete reports or reports that are deficient of required elements will not be considered as having been received.
<u>Pending Resolution of Noncompliance</u>	It is in the CDFI Fund's sole discretion to consider the Applicant's application pending until full resolution of a noncompliance issue if the Applicant, is a prior Awardee/Allocatee under any CDFI Fund program and if: (i) the entity has submitted reports to the CDFI Fund indicating noncompliance with a previously executed agreement with the CDFI Fund, and (ii) the CDFI Fund has yet to make a final determination as to whether the entity is in default of its previously executed agreement.
<u>Default Status:</u>	The CDFI Fund will not consider an application if an Applicant is a prior Awardee/Allocatee under any CDFI Fund program and is in default of a previously executed agreement with the CDFI Fund at the time that the application is due under this NOFA. Such entities will be ineligible to apply for an award under this NOFA as long as the Applicant or its Affiliate's prior award or allocation remains in default status or such other time period as the CDFI Fund has specified in writing.
<u>Termination in Default:</u>	The CDFI Fund will not consider an Applicant's application that is a prior Awardee/Allocatee under any CDFI Fund program if the CDFI Fund made a final determination that the Awardee/Allocatee's prior award was terminated in default: (i) within the 12-month period prior to this NOFA's application deadline, and (ii) the final reporting period end date for the applicable terminated award falls within the 12-month period prior to this NOFA's application deadline.
<u>Undisbursed Award Funds:</u>	The CDFI Fund encourages Applicants with undisbursed funds to request the undisbursed funds

Table 4 - Prior Awardee Requirements and Considerations	
Prior Awardee Situation	Requirements and Considerations
	<p>from the CDFI Fund at least 10 business days prior to this NOFA's application deadline.</p> <p>The CDFI Fund will not consider an Applicant's application if the Applicant Awardee under any CDFI Fund program and has undisbursed award funds (as defined below) as of this NOFA's application deadline. The CDFI Fund will include the combined undisbursed prior awards, as of this NOFA's application deadline, of the Applicant and its affiliated entities, including those in which the affiliated entity Controls the Applicant, is Controlled by the Applicant, or shares common management officials with the Applicant as the CDFI Fund determines.</p>
<u>BEA Program Undisbursed Awards Calculations:</u>	For the BEA Program, undisbursed award funds will be included in the calculation of undisbursed awards for the Applicant and any three to five calendar years prior to the end of the calendar year of this NOFA's application deadline. For purposes of this NOFA, therefore, undisbursed awards made in FYs 2006, 2007, and 2008 will be included in the calculation for the Applicant's undisbursed award amounts if the funds have not been disbursed as of this NOFA's application deadline.
<u>NACA Program Undisbursed Awards Calculations:</u>	The NACA Program undisbursed funds will be calculated by adding all undisbursed award amounts made to the Applicant two to five calendar years prior to the end of the calendar year of this NOFA. Therefore, undisbursed NACA awards made in FYs 2006, 2007, 2008, and 2009 will be included in the undisbursed calculation as of this NOFA's application deadline.
<u>Undisbursed Award Calculations:</u>	Undisbursed awards cannot exceed five percent of the total includable awards for the Applicant's BEA/CDFI/NACA awards, as of this NOFA's application deadline. (The total "includable" award amount is the total award amount from the relevant CDFI Fund program.) Please refer to an example of this calculation on the CDFI Fund's website, found in the Q&A document for the FY 2012 Funding Round. The "undisbursed award funds" calculation does not

Table 4 - Prior Awardee Requirements and Considerations	
Prior Awardee Situation	Requirements and Considerations
	include: (i) tax credit allocation authority made available through the NMTC Program; (ii) award funds that the Awardee has requested from the CDFI Fund by submitting a full and complete disbursement request before this NOFA's application deadline; (iii) award funds for an award that the CDFI Fund has terminated or de-obligated; or (iv) award funds for an award that does not have a fully executed assistance or award agreement.

2. Contact the CDFI Fund: Applicants that are prior CDFI Fund Awardees are advised to: (i) comply with requirements specified in assistance, allocation, and/or award agreement(s), and (ii) contact the CDFI Fund to ensure necessary actions are underway for the disbursement or de-obligation of any prior outstanding award balance(s) as referenced above. An Applicant that is unsure about the disbursement status of any prior award should contact the CDFI Fund by sending an email to [CDFI.disburseinquiries@cdfi.treas.gov](mailto:CDFI.disburseinquiries@cdfi.treas.gov).

#### C. Matching Funds Requirements

1. Matching Funds Requirements in General: FA Applicants must obtain non-Federal matching funds, on the basis of not less than one dollar for each dollar of FA funds the CDFI Fund provides. (This requirement pertains to FA Applicants only; matching funds are not required for TA Applicants). Matching funds must be comparable in form and value to the FA award. This means that if an Applicant is requesting an FA award, the Applicant must show it has obtained matching funds through commitment(s) from non-Federal sources that are equal to the amount requested from the CDFI Fund. Applicants cannot use matching funds from a prior FA award under the NACA Program or under another federal grant or award program to satisfy the matching funds requirement of this NOFA. If an Applicant seeks to use matching funds from an organization that was a prior Awardee under the NACA, the CDFI Fund will deem such funds as

federal funds, unless the funding entity establishes and the CDFI Fund agrees, that such funds do not consist, in whole or in part, of NACA Program funds or other federal funds. The CDFI Fund encourages Applicants to review the Regulations at 12 C.F.R. §1805.500 et seq. and matching funds guidance materials on the CDFI Fund's website for further information.

2. The CDFI Fund will not consider any FA Applicant for an award that has no matching funds in-hand or firmly committed as of this NOFA's application deadline. Specifically, FA Applicants must meet the following matching funds requirements:

(a) Certified and Certifiable Native CDFIs: A Certified or Certifiable Native CDFI Applicant must demonstrate that it has eligible matching funds equal to no less than 25 percent of the FA amount requested in-hand or firmly committed, on or after January 1, 2010, and on or before the application deadline. The CDFI Fund reserves the right to rescind all or a portion of an FA award and re-allocate the rescinded award amount to other qualified Applicant(s), if an Applicant fails to obtain in-hand 100 percent of the required matching funds by March 14, 2013 (with required documentation of such receipt received by the CDFI Fund not later than March 31, 2013). The CDFI Fund may grant an extension of such matching funds deadline for specific Applicants selected to receive FA awards, if the CDFI Fund deems it appropriate. For any Applicant that demonstrates it has less than 100 percent of matching funds in-hand or firmly committed as of the application deadline, the CDFI Fund will evaluate the Applicant's ability to raise the remaining matching funds by March 14, 2013.

(b) HFFI-FA Applicants: It is possible that the matching funds requirements for HFFI-FA awards may be waived for the FY 2012 Funding Round. However, as of this NOFA's publication such a waiver has not been enacted. An Applicant requesting an HFFI-FA award that does not include matching funds documentation in its application will be deemed ineligible for

funding under the FY 2012 Funding Round if a matching funds waiver is not enacted. An Applicant requesting an HFFI-FA award that would not satisfy the matching funds requirements but is otherwise eligible under this NOFA may wish to submit an application in the event a matching funds waiver is enacted.

Accordingly, subject to the immediately preceding paragraph: A HFFI-FA Applicant must demonstrate that it has eligible matching funds equal to no less than 25 percent of the FA amount requested in-hand or firmly committed, on or after January 1, 2010, and on or before the deadline for the submitting the HFFI-FA supplemental questionnaire. The CDFI Fund reserves the right to rescind all or a portion of an FA award and re-allocate the rescinded award amount to other qualified Applicant(s), if an Applicant fails to obtain in-hand 100 percent of the required matching funds by March 14, 2013 (with required documentation of such receipt received by the CDFI Fund not later than March 31, 2013). The CDFI Fund may grant an extension of such matching funds deadline for specific Applicants selected to receive FA awards, if the CDFI Fund deems it appropriate. For any Applicant that demonstrates it has less than 100 percent of matching funds in-hand or firmly committed as of the application deadline, the CDFI Fund will evaluate the Applicant's ability to raise the remaining matching funds by March 14, 2013.

### 3. Matching Funds Terms Defined; Required Documentation

Table 5 - Matching Funds Definitions	
Type of Matching Funds	Definition
(a) <u>Matching funds "in-hand"</u>	The Applicant has actually received disbursement of the matching funds and provides to the CDFI Fund acceptable written documentation, showing the source, form, and amount of the matching funds (i.e., grant, loan, deposit, and equity investment). Applicants must provide copies of the following documentation depending on the type of award being requested: (i) loans - the loan agreement and promissory note; (ii) grant - the grant letter or agreement for all grants of \$50,000 or more; (iii) equity investment - the stock



	certificate and any related shareholder agreement. The Applicant must also provide acceptable documentation that demonstrates receipt of the matching funds, such as a copy of a check or a wire transfer statement.
(b) Matching Funds “ <u>firmly committed</u> ”	The Applicant has entered into or received a legally binding commitment from the matching funds source showing the funds will be disbursed to the Applicant. The Applicant must also provide acceptable written documentation showing the source, form, and amount of the firm commitment (and, in the case of a loan, the terms thereof), as well as the anticipated disbursement date of the committed funds.

4. The CDFI Fund may contact the matching funds source to discuss the matching funds and the documentation that the Applicant has provided. If the CDFI Fund determines that any portion of the Applicant’s matching funds is ineligible under this NOFA, the CDFI Fund, in its sole discretion, may permit the Applicant to offer alternative matching funds as a substitute for the ineligible matching funds. In such instances: (i) the Applicant must provide acceptable alternative matching funds documentation within two business days of the CDFI Fund’s request, and (ii) the alternative matching funds documentation will not increase the total amount of FA the Applicant requested.

5. Special Rule for Insured Credit Unions: The Regulations allow an Insured Credit Union to use retained earnings to serve as matching funds for an FA award in an amount equal to: (i) the increase in retained earnings that has occurred over the Applicant’s most recent fiscal year; (ii) the annual average of such increases that has occurred over the Applicant’s three most recent fiscal years; or (iii) the entire retained earnings that have been accumulated since the inception of the Applicant, as provided in the Regulations. For purposes of this NOFA, if option (iii) is used, the Applicant must increase its member and/or non-member shares or total loans outstanding by an amount equal to the amount of retained earnings committed as matching funds. This increase

must occur by the end of the Awardee's second performance period, as set forth in its Assistance Agreement, and will be based on amounts reported in the Applicant's Audited or Reviewed Financial Statements or NCUA Form 5300 Call Report. The CDFI Fund will assess the likelihood of this increase during the application review process. An award will not be made to any Applicant that has not demonstrated in the relevant Financial Statements or NCUA Call Report that it has increased shares or loans by at least 25 percent of the requested FA award amount between December 31, 2010, and December 31, 2011.

#### IV. APPLICATION AND SUBMISSION INFORMATION

A. Application Submission: Under this NOFA, all Applicants must submit their applications electronically through Grants.gov. The CDFI Fund will not accept applications through myCDFIFund accounts nor will applications be accepted via email, mail, facsimile, or other forms of communication, except in circumstances approved by the CDFI Fund beforehand.

B. Grants.gov: In compliance with Public Law 106-107 and Section 5(a) of the Federal Financial Assistance Management Improvement Act, the CDFI Fund is required to accept applications submitted through the Grants.gov electronic system. The CDFI Fund strongly recommends Applicants start the registration process as soon as possible and visit [www.grants.gov](http://www.grants.gov) immediately. Applicants that have used Grants.gov in the past must verify that their registration is current and active. New applicants must properly register, which may take several weeks to complete. Pursuant to OMB guidance (68 Federal Register 38402), each Applicant must provide, as part of its application submission, a Dun and Bradstreet Data Universal Numbering System (DUNS) number. In addition, each application must include a valid and current Employer Identification Number (EIN). An electronic application that does not include either a DUNS or an EIN is incomplete and may not be transmitted to the CDFI Fund

from Grants.gov. As a result, Applicants without a DUNS or EIN should allow sufficient time for the IRS and/or Dun and Bradstreet to respond to inquiries and/or requests for identification numbers.

The CDFI Fund will not consider Applicants that fail to properly register in Grants.gov or to confirm they are properly registered and as a result, are unable to submit their applications before the deadline. Applicants are reminded that the CDFI Fund does not maintain the Grants.gov registration or submittal process so Applicants must contact Grants.gov directly for issues related to that aspect of the application submission process. Please see the following link for information on getting started on Grants.gov [http://grants.gov/applicants/organization\\_registration.jsp](http://grants.gov/applicants/organization_registration.jsp).

C. myCDFIFund Accounts: myCDFIFund is the CDFI Fund's primary means of communication with Applicants. Applicants are responsible for ensuring their myCDFIFund account is updated at all times. All Applicants must register as an organization and as a user with myCDFIFund before the application deadline. Applicants failing to properly register and update their myCDFIFund accounts may miss important communication with the CDFI Fund that could impact their application. For more information on myCDFIFund, please see the "Frequently Asked Questions" link posted at <https://www.cdfifund.gov/myCDFI/Help/Help.asp>.

D. Application Content Requirements: The Application and related documents can be found on the Grants.gov and the CDFI Fund's websites. The CDFI Fund anticipates posting the Application and related documents to the CDFI Fund's website on the same day that the NOFA is released or shortly thereafter. Once an application is submitted to Grants.gov, the Applicant will not be allowed to change any element of the application. The CDFI Fund, however, may contact the Applicant to clarify or confirm application information.

E. Paperwork Reduction Act: Under the Paperwork Reduction Act (44 U.S.C. chapter 35), an

agency may not conduct or sponsor a collection of information, and an individual is not required to respond to a collection of information, unless it displays a valid OMB control number.

Pursuant to the Paperwork Reduction Act, the NACA Program funding Application has been assigned the following control number: 1559-0025.

F. Application Deadlines:

1. Please see the following table for critical deadlines that are relevant to the FY 2012 Funding Round:

Table 6. FY 2012 Funding Round Application Critical Dates

Description	Date Due	Time
Certification application	December 21, 2011	midnight
Certification Material Events Form	December 21, 2011	5:00 p.m.
Last day to contact Program staff	January 13, 2012	5:00 p.m.
Last day to contact Compliance staff	January 13, 2012	5:00 p.m.
NACA Program Application	January 18, 2012	11.59 p.m.

2. Late Delivery: The CDFI Fund will not accept an application, nor any portion of an application, delivered after the application deadline. The CDFI Fund will not grant exceptions or waivers. Any application that is deemed ineligible or rejected will not be returned to the Applicant.

G. INTERGOVERNMENTAL REVIEW: Not applicable.

H. FUNDING RESTRICTIONS: For allowable uses of FA proceeds, please see the Regulations at 12 C.F.R. § 1805.301.

V. APPLICATION REVIEW INFORMATION

A. Format: Applicants must complete, and the CDFI Fund will only accept, the Application as provided in Grants.gov and the CDFI Fund's website. The FY 2012 Application is a fillable electronic PDF form, with pre-set text limits and font size restrictions. Applicants should not

submit information that has not been specifically requested in this NOFA or the Application. Applicants should not submit documents such as strategic plans or market studies unless the CDFI Fund has specifically requested such documents in the Application.

**B. Review and Selection Process**

1. Eligibility and Completeness Review: The CDFI Fund will review each application to determine whether it is complete and the Applicant meets the eligibility requirements described in Section III of this NOFA. An incomplete application or one that does not meet eligibility requirements will be rejected.

2. Substantive Review: If the Applicant has submitted a complete and eligible application, the CDFI Fund will conduct a substantive review in accordance with the criteria and procedures described in the Regulations, this NOFA, and the Application guidance. The CDFI Fund reserves the right to contact the Applicant by telephone, email, or mail for the sole purpose of clarifying or confirming application information. If contacted, the Applicant must respond within the CDFI Fund's time parameters or run the risk of their application being rejected.

3. Application Scoring and Award Selection (FA and TA Applicants):

(a) Application Scoring: The CDFI Fund will evaluate each application on the criteria categories and the scoring scale described in the Application. An Applicant must receive a minimum score in each evaluation criteria in order to be considered for an award. The CDFI Fund will score each part as indicated in the following table:

Table 7. Application Scoring Criteria	
Application Parts	Scoring Points
Financial Assistance (FA) Applicants	
High Impact Narrative	10
Target Market Needs	10
Responsiveness to Target Market Needs	40
Delivery Capacity	40
TOTAL POINTS	100

Table 7. Application Scoring Criteria	
Application Parts	Scoring Points
Technical Assistance (TA) Applicants	
Technical Assistance Proposal	20
Target Market Needs	10
Responsiveness to Target Market Needs	30
Delivery Capacity	40
TOTAL POINTS	100

(b) Evaluating Prior Award Performance: The CDFI Fund will deduct points for any Applicant that is a prior awardee or allocatee of any CDFI Fund program if the Applicant: (i) is noncompliant with any active award or award that terminated in the current calendar year by failing to meet performance goals and measures, reporting deadlines, or other requirements set forth in the CDFI Fund's assistance, allocation, or award agreement(s) during the Applicant's two complete fiscal years prior to this NOFA's application deadline; (ii) failed to make timely loan payments to the CDFI Fund during the Applicant's two complete fiscal years prior to this NOFA's application deadline (if applicable); and (iii) did not perform on any prior assistance, allocation, or award agreement, which is determined during the application review process. In addition, the CDFI Fund will deduct points if an FA Applicant had funds de-obligated for FA awards issued in FY 2009, 2010 or 2011 if: (i) the amount of de-obligated funds is at least \$200,000 and (ii) the de-obligation occurred within the 12 months prior to this NOFA's application deadline. Point deductions for a de-obligation in this funding round will not be counted against future FA applications. The CDFI Fund has the sole discretion to deduct points from prior Awardees/Allocates if those Applicants have proceedings instituted against them in, by, or before any court, governmental, agency, or administrative body and has received a final determination within the last three years indicating the Applicant has discriminated on the basis

of race, color, national origin, disability, age, marital status, receipt of income from public assistance, religion, or sex.

(c) Award Selection: The CDFI Fund will make its final award selections based on the Applicants' scores, ranked from highest to lowest, and the amount of funds available. In the case of tied scores, Applicants will be ranked according to each Applicant's Delivery Capacity score. TA Applicants will be grouped and ranked separately. In addition, the CDFI Fund may consider the institutional and geographic diversity of Applicants when making its funding decisions.

4. Insured CDFIs: In the case of Insured Depository Institutions and Insured Credit Unions, the CDFI Fund will consider the views of the Appropriate Federal Banking Agencies. Throughout the award review process, the CDFI Fund will consult with the Appropriate Federal Banking Agency about the Applicant's financial safety and soundness. If the Appropriate Federal Banking Agency identifies safety and soundness concerns, the CDFI Fund will assess whether the concerns cause or will cause the Applicant to be incapable of undertaking the activities for which funding has been requested. If it is determined the Applicant is incapable of meeting its obligations, the CDFI Fund reserves the right to rescind the award decision. The CDFI Fund also reserves the right to require insured CDFI Applicants to improve safety and soundness conditions prior to receiving an award disbursement. In addition, the CDFI Fund will take into consideration Community Reinvestment Act assessments of Insured Depository Institutions and/or their Affiliates.

5. Award Notification: Each Applicant will be informed of the CDFI Fund's award decision through a notification in the Applicant's myCDFIFund account. This includes notification to Applicants that have not been selected for an award if the decision is based on reasons other than completeness or eligibility. Applicants that have not been selected for an award will receive a

debriefing in their myCDFIFund account. The CDFI Fund will provide this feedback in a format and within a timeframe dependent on available resources.

6. Application Rejection: The CDFI Fund reserves the right to reject an application if information (including administrative errors) comes to the CDFI Fund's attention that either adversely affects an Applicant's eligibility for an award, adversely affects the CDFI Fund's evaluation or scoring of an application, or indicates fraud or mismanagement on the Applicant's part. If the CDFI Fund determines any portion of the application is incorrect in a material respect, the CDFI Fund reserves the right, in its sole discretion, to reject the application. The CDFI Fund reserves the right to change its eligibility and evaluation criteria and procedures, if the CDFI Fund deems it appropriate. If the changes materially affect the CDFI Fund's award decisions the CDFI Fund will provide information about the changes through the CDFI Fund's website. The CDFI Fund's award decisions are final and there is no right to appeal the decisions.

## VI. AWARD ADMINISTRATION INFORMATION

Assistance Agreement: Each Applicant selected to receive an award under this NOFA must enter into an Assistance Agreement with the CDFI Fund in order to receive disbursement of the award funds. The Assistance Agreement will set forth the award terms and conditions, including but not be limited to the award: (i) amount; (ii) type; (iii) uses; (iv) targeted market or activities; (v) performance goals and measures; and (vi) reporting requirements. FA Assistance Agreements will usually have three-year performance periods; TA Assistance Agreements will usually have two-year performance periods. All FA and TA awardees that are not Insured CDFIs will be required to provide the CDFI Fund with a Certificate of Good Standing from the Secretary of State for the Awardee's state of incorporation. This certificate can often be acquired online on the secretary of state website for the Awardee's state of incorporation and must generally be



dated within 270 days of the date the Awardee executes the Assistance Agreement. Due to considerable backlogs in state government offices, Applicants are advised to submit requests for Certificates of Good Standing at the time that they submit their applications. If prior to entering into an Assistance Agreement with the CDFI Fund, information (including administrative error) comes to the CDFI Fund's attention that either adversely affects the Awardee's eligibility for an award, or adversely affects the CDFI Fund's evaluation of the Awardee's application, or indicates fraud or mismanagement on the Awardee's part, the CDFI Fund may, in its discretion and without advance notice to the Awardee, terminate the award or take such other actions as it deems appropriate. Moreover, if prior to entering into an Assistance Agreement, the CDFI Fund determines that the Awardee or an Affiliate of the Awardee is in default of any previously executed agreement with the CDFI Fund, the CDFI Fund may, in its discretion and without advance notice to the Awardee, either terminate the award or take such other actions as it deems appropriate. For purposes of this section, the CDFI Fund will consider an Affiliate to mean any entity that meets the definition of Affiliate in the Regulations or is otherwise identified by the Awardee as an Affiliate. The CDFI Fund reserves the right, in its sole discretion, to rescind an award if the Awardee fails to return the Assistance Agreement, signed by the authorized representative of the Awardee, and/or provide the CDFI Fund with any other requested documentation, within the CDFI Fund's deadlines.

1. Failure to Meet Reporting Requirements: If an Awardee is a prior Awardee/Allocatee under any CDFI Fund program and is not current with the reporting requirements set forth in the previously executed agreement(s) with the CDFI Fund, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement until the Awardee/Allocatee is current with the reporting requirements. Please note that the CDFI Fund only acknowledges the

receipt of reports that are complete. As such, incomplete reports or reports that are deficient of required elements will not be recognized as having been received. If said prior Awardee/Allocatee is unable to meet this requirement within the timeframe the CDFI Fund sets, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the Assistance Agreement and the award made under this NOFA.

2. Pending Resolution of Noncompliance: If an Applicant is a prior Awardee under any CDFI Fund program and if: (i) it has submitted reports to the CDFI Fund that demonstrate noncompliance with a previous executed agreement with the CDFI Fund; and (ii) the CDFI Fund has yet to make a final determination as to whether the entity is in default of its agreement, the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement, pending full resolution of the noncompliance issue to the CDFI Fund's satisfaction. If the said prior Awardee/Allocatee is unable to satisfactorily resolve the compliance issues, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the Assistance Agreement and the award made under this NOFA.

3. Default Status: If, at any time prior to entering into an Assistance Agreement through this NOFA, the CDFI Fund has made a final determination that an Awardee is a prior Awardee/Allocatee under any CDFI Fund program is in default of a previously executed assistance, allocation, or award agreement(s), the CDFI Fund reserves the right, in its sole discretion, to delay entering into an Assistance Agreement, until said prior Awardee/Allocatee has submitted a complete and timely report demonstrating full compliance within the CDFI Fund's timeframe. If said prior Awardee/Allocatee is unable to meet this requirement and the CDFI Fund has not specified in writing that the prior Awardee/Allocatee is otherwise eligible to receive an Award under this NOFA, the CDFI Fund reserves the right, in its sole discretion, to

terminate and rescind the Assistance Agreement and the award made under this NOFA.

4. Termination in Default: The CDFI Fund reserves the right, in its sole discretion, to delay entering into or not to enter into an Assistance Agreement if: (i) within the 12-month period prior to entering into an Assistance Agreement for this funding round, the CDFI Fund has made a final determination that a prior Awardee under any CDFI Fund program whose award or allocation agreement was terminated in default, and (ii) the final reporting period end date for the applicable terminated agreement falls within the 12-month period prior to this NOFA's application deadline.

5. Compliance with Federal Anti-Discrimination Laws: If the Awardee has previously received funding through any CDFI Fund program, and if at any time prior to entering into an Assistance Agreement through this NOFA, the CDFI Fund is made aware of a final determination, made within the last three years, in any proceeding instituted against the Awardee in, by, or before any court, governmental, or administrative body or agency, declaring that the Awardee has discriminated on the basis of race, color, national origin, disability, age, marital status, receipt of income from public assistance, religion, or sex, the CDFI Fund reserves the right, in its sole discretion, to terminate and rescind the Assistance Agreement and the award made under this NOFA.

#### B. Reporting

1. Reporting requirements: At least on an annual basis, the CDFI Fund will collect information from each Awardee including, but not limited to, an Annual Report with the following components: (i) Financial Reports, (ii) OMB A-133 audit; (iii) A-133 Narrative Report; (iv) Institution Level Report; (v) Transaction Level Report (for Awardees receiving FA awards); (vi) Financial Status Report SF-425 (for Awardees receiving TA grants); (vii) Uses of Financial

Assistance (for Awardees receiving FA awards); (viii) Uses of Technical Assistance (for Awardees receiving TA grants); (ix) Explanation of Noncompliance (as applicable); and (x) such other information as the CDFI Fund may require. Each Awardee is responsible for the timely and complete submission of the Annual Report, even if all or a portion of the documents is actually completed by another entity or signatory to the Assistance Agreement. If such other entities or signatories are required to provide Institution Level Reports, Transaction Level Reports, Financial Reports, or other documentation that the CDFI Fund may require, the Awardee is responsible for ensuring that the information submitted is timely and complete. The CDFI Fund reserves the right to contact such additional entities or signatories to the Assistance Agreement and require that additional information and documentation be provided. The CDFI Fund will use such information to monitor each Awardee's compliance with the requirements in the Assistance Agreement and to assess the impact of the NACA Program. All reports must be electronically submitted to the CDFI Fund via the Awardee's myCDFIFund account. The Institution Level Report and the Transaction Level Report must be submitted through the CDFI Fund's web-based data collection system, the Community Investment Impact System (CIIS). The Financial Reports may be uploaded to the Awardee's myCDFIFund account. All other components of the Annual Report may be submitted electronically, as the CDFI Fund directs. The CDFI Fund reserves the right, in its sole discretion, to modify these reporting requirements if it determines it to be appropriate and necessary; however, such reporting requirements will be modified only after notice to Awardees.

2. Accounting: The CDFI Fund will require each FA and TA Awardee to account for and track the use of its award. This means that FA and TA Awardees must track every dollar and must inform the CDFI Fund of its uses. This will require Awardees to establish separate administrative

and accounting controls, subject to the applicable OMB Circulars. The CDFI Fund will provide guidance on the format and content of the annual information to be provided, outlining and describing how the funds were used. All Awardees must provide the CDFI Fund with an accurate and completed Automated Clearinghouse (ACH) form prior to award closing and disbursement.

## VII. AGENCY CONTACTS:

A. The CDFI Fund will respond to questions concerning this NOFA and the funding Application between the hours of 9:00 a.m. and 5:00 p.m. Eastern Time, starting on the date that the NOFA is published through three business days prior to the application deadline. During the three business days prior to the application deadline, the CDFI Fund will not respond to questions for Applicants until after the application deadline. Applications and other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's website at <http://www.cdfifund.gov>. The CDFI Fund will post on its website responses to questions of general applicability regarding the NACA Program.

B. Applicants may contact the CDFI Fund as follows:

Table 8. Contact Information		
<b>Fax number for all offices: 202-622-7754</b>		
<b>Type of Question</b>	<b>Telephone number (not toll free)</b>	<b>Email addresses</b>
NACA Program	202-622-6355	<a href="mailto:cdfihelp@cdfi.treas.gov">cdfihelp@cdfi.treas.gov</a>
Certification, Compliance Monitoring and Evaluation	202-622-6330	<a href="mailto:ccme@cdfi.treas.gov">ccme@cdfi.treas.gov</a>
Information Technology Support	202-622-2455	<a href="mailto:IThelpdesk@cdfi.treas.gov">IThelpdesk@cdfi.treas.gov</a>

C. Information Technology Support: People who have visual or mobility impairments that prevent them from creating a Target Market map using the CDFI Fund's website should call (202) 622-2455 for assistance (this is not a toll free number).

D. Communication with the CDFI Fund: The CDFI Fund will use the Applicants' and Awardees' contact information in their myCDFIFund accounts to communicate. It is imperative; therefore, that Applicants, Awardees, Subsidiaries, Affiliates, and signatories maintain accurate contact information in their accounts. This includes information like contact names, especially for the authorized representative; email addresses; fax and phone numbers; and office locations. For more information about myCDFIFund, as well as information on the Community Investment Impact System, please see the following website: <http://www.cdfifund.gov/ciis/accessingciis.pdf>.

#### VIII. INFORMATION SESSIONS AND OUTREACH

The CDFI Fund may conduct webinars or host information sessions for organizations that are considering applying to, or are interested in learning about, the CDFI Fund's programs. For further information, please visit the CDFI Fund's website at <http://www.cdfifund.gov>.

Authority: 12 U.S.C. 4701, et seq; 12 C.F.R. parts 1805 and 1815.

Dated: November 8, 2011

Donna J. Gambrell,

Director,

Community Development Financial Institutions Fund

[FR Doc. 2011-29305 Filed 11/10/2011 at 8:45 am; Publication Date: 11/14/2011]